THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.9642 of 2005

Dated : 22-11-2005

Between:

Sri E. Narasimhulu Naidu, and four others.

... PETITONERS

AND

The Regional Joint Commissioner, Chittoor, and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.9642 of 2005

ORDER:

When the vacate petition filed by the third respondent is listed for hearing, on a request made by the learned counsel for both the parties, the main writ petition itself is heard and decided.

The petitioners, who are five in number, have filed this writ petition questioning the order dated 21-03-2005 passed by the first respondent-Regional Joint Collector, whereunder the order dated 09-12-2003 passed by the second respondent-Assistant Commissioner appointing the petitioners herein as non-hereditary trustees of Sri Kaligiri Sri Venkateswara Swamy Devasthanam, Kaligiri Konda, Punumur Mandal, Chittor District, was set aside.

From the material on record, it is clear that the second respondent in exercise of the powers conferred on him under Section 15 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, (hereinafter referred to as 'the Act') issued a notice dated 08-11-2003 and in pursuance thereof vide proceedings dated 09-12-2003, the petitioners were appointed as the members of the Board of non-hereditary trustees for a period of two years from the date of taking oath of office and secrecy. Questioning the said order, the third respondent herein filed a revision petition under Section 92 of the Act before the first respondent. It was mainly contended by the third respondent that the notification dated 08-11-2003, which was affixed on the Notice Board on 25-11-2003 was not in conformity with the provisions of the Rules

under G.O.Ms.No.258, dated 31-03-1988. The further contention was that whereas the period between the date of dispatch of the order of appointment and the date of the meeting convened by the Board of Trustees shall be not less than 10 days as required under G.O.Ms.No.367 dated 19-04-1989, admittedly, the meeting was convened on 19-12-2003 beyond 10 days. The first respondent having found that the internal period between the date of dispatch of the order and the date of meeting was only 9 days, allowed the revision thereby setting aside the appointment of the petitioners herein as the members of the Board of non-hereditary trustees. The said order dated 21-03-2005 is under challenge in this writ petition.

I have heard the learned counsel for both the parties and perused the material on record.

In the counter-affidavit filed by the first respondent, it is stated that the notification dated 24-11-2003 inviting applications from the interested persons for appointment of Trustees to the temple-in-question was affixed on the Notice Board on
25-11-2003, in response to which five applications were received by the second respondent and the same were forwarded to the Inspector, Endowments Department, Chittoor, for verification of antecedents. The Inspector, Endowments Department submitted his verification report to the second respondent vide letter dated 08-12-2003. Thus it was contended that they have maintained the required period of 15 days. However it was admitted that the internal period between the date of dispatch of the order i.e., on 09-12-2003 and the date of special meeting on 19-12-2003 was only 9 days.

It is to be noted that as per the Rule 4 (1) of the Rules made under G.O.Ms.No.258 dated 31-03-1988 i.e., Appointment of Trustees Rules, 1987 (hereinafter referred to 'the Rules'), the authority competent to appoint trustees shall cause publication of the notice in Form-I. A perusal of Form-I makes it clear that in the notice it should be specified that Trust Board should be constituted after 20 days from the date of the notice. The period of 15 days as initially

prescribed under the Rules was substituted by way of amendment under G.O.Ms.No.9 dated 08-01-1990 according to which the period shall be 20 days instead of 15 days. Thus the required period is 20 days and admittedly, the same has not been complied with since under the notice dated 08-11-2003 applications were invited within 15 days. So far as the other requirement as prescribed under G.O.Ms.No.367 dated
19-04-1989 is concerned, the counter-affidavit filed by the first respondent itself makes it clear that the period of ten days as required under Rule 4 of the Rules has not been satisfied since the internal period between the date of dispatch of the order and the date of meeting was only 9 days.

In the circumstances, I am of the opinion that the first respondent has rightly set aside the appointment of the petitioners made under the order dated 09-12-2003 passed by the second respondent. Hence, the impugned order dated 21-03-2005 is in accordance with law and does not suffer from any infirmity warranting interference by this Court.

Accordingly, the writ petition is dismissed. It is needless to mention that the interim order granted by this Court on
27-04-2005 shall stand vacated. No costs.

(G. ROHINI, J)

Dated 22-11-2005

ghn